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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,516	12/11/2003	Paul Baskis	BASKISDCAD	6367

7590 02/17/2005

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EXAMINER

PRINCE, FRED G

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/735,516

Applicant(s)

BASKIS, PAUL

Examiner

Fred Prince

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: The filing date of the provisional application has not been provided after the serial number on page 1.

Appropriate correction is required.

### ***Drawings***

2. New corrected drawings in compliance with 37 CFR 1.121(d) will be required in this application if the application is allowed because the instant drawings contain lines, numbers, and letters that are not uniformly thick and well defined. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (US 2001/0047960).

Sato et al. teach a process including the steps of receiving a stream of materials to be treated into a reaction container (paragraph [0064]), subjecting the materials to anaerobic digesting and subjecting the materials to aerobic digesting ([0064]), and repeating ([0064]) the digesting phases until the desired output is achieved.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Tabata et al.

Tabata et al. teach a process including the steps of receiving a stream of materials to be treated into a reaction container (32), subjecting the materials to anaerobic digesting (col. 4, lines 39-41) and aerobic digesting (col. 4, lines 48-50), and repeating (Figure) the digesting phases until the desired output is achieved.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Reid.

Reid teaches a process including the steps of receiving a stream of materials to be treated into a reaction container (11), subjecting the materials to anaerobic digesting and aerobic digesting (col. 5, lines 38-40), and repeating (col. 5, lines 50-66; col. 6, lines 10-13) the digesting phases until the desired output is achieved.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ballnus.

Ballnus teaches a process including the steps of receiving a stream of materials to be treated into a reaction container (col. 3, line 65), subjecting the materials to anaerobic digesting (col. 4, lines 44-52) and aerobic digesting (col. 4, lines 23-26), and repeating (col. 4, lines 52-53) the digesting phases until the desired output is achieved.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Behrends.

Behrends teaches a process including the steps of receiving a stream of materials to be treated into a reaction container (208, 208a), subjecting the materials to

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anaerobic digesting and aerobic digesting and repeating (col. 2, lines 58-62) the digesting phases until the desired output is achieved.

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Goronszy.

Goronszy teaches a process including the steps of receiving a stream of materials to be treated into a reaction container (1), subjecting the materials to anaerobic digesting and aerobic digesting and repeating (col. 13, lines 13-17) the digesting phases until the desired output is achieved.

10. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Shigemori et al. (JP 7-308688).

Shigemori et al. teach a process including the steps of receiving a stream of materials to be treated into a reaction container (1, 2), subjecting the materials to anaerobic digesting and aerobic digesting (abstract) and repeating (6) the digesting phases until the desired output is achieved.

11. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hirane (JP 8-224590).

Hirane teaches a process including the steps of receiving a stream of materials to be treated into a reaction container (1), subjecting the materials to anaerobic digesting (4) and aerobic digesting (5) and repeating (recycle from pump 19) the digesting phases until the desired output is achieved.

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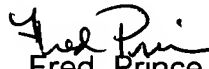
***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References are cited of interest to show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (571) 272-1165. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Fred Prince  
Primary Examiner  
Art Unit 1724

fgp  
2/15/05